



COLOMBIA: Boxing to remain within the constitutional ring

Pick up an old newspaper or watch a television documentary from the end of the last century on Colombia and the words drugs, cartels, violence and corruption are mentioned. Colombia was one of the 'sick men' of the Latin American continent. Word has it that things are changing. The economy has picked up and the cities of Medellín and Cali are much safer than they used to be. Internationally Colombia is no longer seen as a pariah but as an emerging big-player in regional relations. On a continent where there is much anti-

American sentiment Colombia is the center of positive American attention. In July 2008 the eyes of the world were once more looking at Colombia when the army infiltrated and liberated a group of hostages from the grip of the FARC (Revolutionary Armed forces of Colombia) rebels. Ingrid Betancourt is of course the most well known of ex-hostages. She is a former presidential candidate. So who is the positive force behind the shift? The name that keeps popping up is president Álvaro Uribe Vélez. He is the man of the hour.

President and Constitution

President Uribe came to power in 2002 running as an independent and not on the ticket of the Partido Liberal or Partido Conservador. Until just a few years ago these two parties dominated the political scene. He took up office under the Constitution of 1991. On 4 July 1991 the people of Colombia gave themselves a new constitution. Basic principles of the constitution are the rule of law, democracy and social justice. According to this basic law the

role of the State is to protect the life, honor, property, beliefs and rights and freedoms of the people. Chapter VII deals with the executive branch of government. The President is the symbol of national unity, head of state, leader of the government and the highest executive authority in the land. He is also commander-in-chief of the armed forces and has the power to secure public order through out the territory of the Republic and reestablish this order where it has been disrupted. These are the constitutional grounds on which Uribe based his policy of 'democratic security'. How can the people of Colombia live in peace and pursue happiness if the FARC (and other groups) pose a constant threat? How would Colombia be able to lure investors to her shores if violence is prevalent? The government set out making Colombia a safer place. In his first years of office much was accomplished but peace was not yet in sight. When the constitution came into force in 1991 reelection for the Presidency was not permitted. Latin American history was a guide to the drafters. Many mighty men had come to power on the continent and were not willing to relinquish the reins of state to a successor. Because of the successes Uribe was booking parliament passed a bill amending the constitution thus allowing a second term in office. In 2006 Álvaro Uribe was elected to yet another four year term. Since reelection he has intensified his battle against the destabilizing forces of the nation. The rescue of Ingrid Betancourt and the others no doubt contributed to the soar of his national and international rating. Yet it was not all a bed of roses. The Supreme Court handed down a decision stating that the bill of law that amended the constitution, providing the grounds for reelection, was flawed by criminal acts. Apparently, one of the members of parliament was bribed into voting for the constitutional change. In rage Uribe lashed out accusing the Court of condoning terrorism

and interfering with the powers of the Presidency. The Court responded in a statement refuting the accusations. The president's behavior was contrary to the mutual respect that must exist between the high institutions of state. Now the Constitutional Court must rule if the second term was in accordance with the constitution. The Constitution of 1991 attributed the guardianship of the Constitution to the Constitutional Court and not to the political branches of government. The final word on the interpretation of the Constitution must come from the Corte Constitucional. The Constitutional Court knows she has to tread carefully. Ruling that the second term was unconstitutional would basically mean that all decisions taken by the government as of 2006 are null and void. Ironically this means that commanding the army to set Ingrid Betancourt free would be deemed an illegal act. No justice sitting on the Court would want to have this on his/her record or conscience.

Uribe and his supporters believe the mission that was begun in 2002 is not yet accomplished and why change the winning team. They want him to seek

a third term. However, they must tread carefully as well. The ancient Greek philosophers teach that a good monarch can, with the passing of time, become authoritarian. Latin American history is once more the guide. There seems to be a majority of the people who wants to see Uribe as head of state (and commander-in-chief) in the years 2010 to 2014. He can take his cause to the people in referendum. The constitution offers this possibility. What ever decisions are made the coming months Colombia must struggle to remain true to its principles. She must remain within the constitutional ring. This will cause the bicentennial festivities on 20 July 2010 not to only be celebration of independence from Spain but a celebration of democracy, social justice and the rule of law.

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